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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,787	06/07/2007	Frances Todd Stewart		4978

7590 03/09/2010  
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EXAMINER

MAIL, TRI M

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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03/09/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/584,787

**Applicant(s)**

STEWART, FRANCES TODD

**Examiner**

Tri M. Mai

**Art Unit**

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

1. Claims 1-3, and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“which base retaining clip” has no antecedent basis.

“provides removability of individual sheet from either corner” is confusing. It seems that the sheet is removable at least by the releasing of the spring loaded clip at 50.

Regarding claim 2, it is unclear what is defined by “any orientation”. It seems that the specification defines only two orientations one either the upper surface or the bottom surface.

2. Claims 1, 2, 4, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kline (4699303). Kline teaches a holder with a retainer at 30, a base at 32, two pad holders at 61, and 42 that maintains the remain end of the note pad in place and provides removability as claimed, and a writing instrument holder.

With respect to the limitation that the base supporting the pad whiles notes are being taken, it is submitted that one can write one the note pad (see fig. 1A) even when the note 24 is hold in the orientation as shown in Fig. 1A.

3. Claims 1, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Tarris (2658773) or Foster (1815024). Tarris teaches a holder with a retainer at 26, a base with two pad holders at 18 that maintains the remaining end of the note pad in place and provides removability as claimed, and a writing instrument holder 21.

Foster teaches a holder with a retainer at 7, a base with two pad holders at 5 that maintains the remaining end of the note pad in place and provides removability as claimed, and a writing instrument holder 6.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schafer in view of Sawyer (4274567), and further in view of Pohl (d343865). Schafer teaches a note clipboard for an automobile visor. Schafer teaches a holder with a retainer, a base with two pad holders as shown in the cross section in Fig. 2 that maintains the remaining end of the note pad in place and provides removability as claimed. Schafer meets all claimed limitations except for a penholder. Sawyer teaches that it is known in the art to provide a pen holder with two resilient portions at 81. It would have been obvious to one of ordinary skill in the art to provide the pen holder as taught by Sawyer to enable one to have access to a pen easily.

Pohl also teaches that it is known in the art to provide a writing instrument for a visor. Thus to provide a writing instrument as taught by Pohl would have been obvious.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shafer in view of Greene et al. (5640743). It would have been obvious to one of ordinary skill in the art to provide indicia as taught by Greene to provide the desired advertisement and/or aesthetic.

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on M-F 6 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tri M Mai/  
Primary Examiner, Art Unit 3781